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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/764,029	01/16/2001	Philippe Joseph Ghislain Bossut	04324.P006C	8057
25920	7590	02/24/2004	EXAMINER	
MARTINE & PENILLA, LLP 710 LAKEWAY DRIVE SUITE 170 SUNNYVALE, CA 94085			NGUYEN, KIMBINH T	
		ART UNIT	PAPER NUMBER	
		2671		

DATE MAILED: 02/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/764,029	BOSSUT ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Kimbinh T. Nguyen	2671	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 11 December 2003.
- 2a) This action is **FINAL**.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 53-60 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 53-60 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                     | Paper No(s)/Mail Date. _____ .  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____ .                                  |

## DETAILED ACTION

1. This action is responsive to amendment filed 12/11/03.
2. Claims 53-60 are pending in the application.
3. The drawings were received on 12/11/03. These drawings are Figures 2-5.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 53-60 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matsumura et al. (5,949,431) in view of Joshi et al. (5,982,381).

**Claim 53**, Matsumura et al. discloses positioning an adjustable image (target image) relative to a cutout region (cutout mask) within a foreground image (one-page image) (col. 1, lines 48-55), comprising: identifying a zone of interest in an adjustable image (col. 5, lines 42-45); determining effective translation (the image part PP may be moved simultaneously while the relative positional relationship thereof is kept unchanged; col. 4, lines 54-58) of interest zone. Matsumura does not suggest the scaling parameters so as adjustable image accordingly a significant portion of interested zone appears within the cutout region without changing the aspect ratio of the adjustable image; however, Joshi et al. teaches modifying a sprite containing a cutout

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image by using distance mask and scaling values (col. 6, lines 49-59), the sprite which contains the cutout image is presumably set to be sufficiently large to provide at least the selected width w around the cutout feature for compositing with the background image of the same resolution (within the cutout region; see col. 8, lines 8-15). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the method of modifying a cutout image by utilizing distance mask and scaling values taught by Joshi's teaching into a target image of Matsumura's method for creating the cutout target image, because it would provide high calculational efficiency and fast response which facilitate iterative modification of a cutout to achieve a desired visual effect in the composite image or target image (col. 2, lines 12-15).

**Claims 54-57,** Matsumura et al. discloses the image part of interest is much relative area zone of interest as possible, but constrained so that the cutout region remain entirely within the expand of the adjustable image (col. 5, lines 9-15); the identifying is carried out manually (cutout tool) (col. 5, lines 21-29); the identifying is carried out automatically by computer program codes or application program (col. 4, lines 20-35; fig. 2); the identifying is base on information as the adjustable image was positioned within an original cutout region (col. 6, lines 50-60).

**Claims 58-60,** the rationale provided in the rejection of claims 53, 54 and 57 is incorporated here in. In addition, Matsumura teaches a system (fig. 1) including an image transform generator (image layout apparatus 300, fig. 1); the editable image was positioned relative to a previous cutout region (figs. 4-11).

***Response to Arguments***

6. Applicant's arguments filed 12/11/03 have been fully considered but they are not persuasive, because Matsumaru teaches a method of creating cutout masks with respect to the target image (abstract) with a high degree of accuracy in the subsequent cutout process (col. 5, lines 9-19), the method comprising: positioning an adjustable image (target image) relative to a cutout region (cutout mask) within a foreground image (one-page image) (col. 1, lines 48-55), comprising: identifying a zone of interest in an adjustable image (col. 5, lines 42-45); determining effective translation (the image part PP may be moved simultaneously while the relative positional relationship thereof is kept unchanged; col. 4, lines 54-58) of interest zone. The cited reference Joshi et al. teaches modifying a cutout image for compositing image (corresponding to target image of Matsumaru's method) by modifying a sprite containing a cutout image by using distance mask and scaling values (col. 6, lines 49-59), the sprite which contains the cutout image is presumably set to be sufficiently large to provide at least the selected width w around the cutout feature for compositing with the background image of the same resolution (without changing the aspect ratio of the adjustable image) within the cutout region; see col. 8, lines 8-15. It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the method of modifying a cutout image by utilizing distance mask and scaling values taught by Joshi's teaching into a target image of Matsumura's method for creating the cutout target image, because a scaling mask for the sprite is created from the distance mask as an intermediate step that contains a scaling value for each corresponding pixel in the sprite

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to generate the new scaling values to result in different modified images, this method would modify the cutout feature or cutout mask.

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Kimbinh Nguyen** whose telephone number is (703) 305-9683. The examiner can normally be reached (**Monday- Thursday from 7:00 AM to 4:30 PM and alternate Fridays from 7:00 AM to 3:30 PM**).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Zimmerman, can be reached at (703) 305-9798.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

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**Or faxed to:**

**(703) 872-9314 (for Technology Center 2600 only)**

Hand-delivered responses should be brought to Crystal Part II, 2121 Crystal Drive,  
Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or  
proceeding should be directed to the Technology Center 2600 Customer Service Office  
whose telephone number is (703) 306-0377.

Kimbinh Nguyen

February 18, 2004



MARK ZIMMERMAN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600